

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
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2004 FEB -5 P 12:38

U.S. DISTRICT COURT
DISTRICT OF MASS.

JOSEPH CHRISTOFORO,
Plaintiff

VS.

JULIO LUPO, and
CERTAIN UNKNOWN
INDIVIDUALS
Defendants

MOTION TO AMEND
COMPLAINT

Now comes the plaintiff, Joseph Christoforo, and does hereby respectfully move, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, that this Honorable Court permit him to amend his Complaint. As reasons therefore, the plaintiff states as follows:

1. That the plaintiff has not previously sought or moved to amend his Complaint in the above-entitled matter.
2. That neither defendant as named in the original Complaint has to date filed a responsive pleading.
3. That Rule 15(a) of the Federal Rules of Civil Procedure states:

"A party may amend the party's pleading once as a matter of course at any time before a responsive pleading is served ..."

4. That accordingly the instant motion to amend should be allowed as a matter of right.
5. That as no responsive pleadings and/or appearances have been filed, counsel for the plaintiff has been unable to conference the instant motion in accordance with Local Rule 7.1(A)(2) of the Federal Rules of Civil Procedure, as no opposing counsel have appeared.

LAW OFFICES

MCCORMICK & MAITLAND

ONE-FORTY-FOUR

MAIN STREET

COUNTRY CROSSING

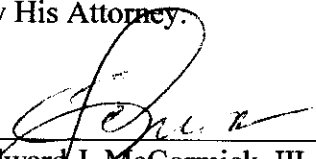
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520-0333

JOSEPH CHRISTOFORO,
By His Attorney.



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